

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 363 OF 2007

1. Buttu GulamRasul Khan
2. Nafis Gulam Rasul Khan ..Applicants
V/s
State of Maharashtra ..Respondent.

Mr. S.G. Rajput, Advocate for the applicants.
Mr. Y.S. Shinde, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 23RD FEBRUARY, 2007.

P.C.

. Heard Mr Rajput, learned Counsel for the applicants and Mr. Shinde, learned APP for the State. Perused police papers.

2. The applicants seek to be released on bail in Crime No.321/2006 registered at Shivaji Nagar Police Station, Mumbai for the offences punishable under Sections 452 and 307 r/w section 34 of Indian Penal Code.

3. The prosecution case, in brief, is that the married sister of the present applicants went to live with Javed Shabir Shaikh, who is injured and this was not liked by her parents and brothers. Being aggrieved

by this conduct, the present applicants and two others went to the house of injured Javed and present two applicants assaulted him with chopper and caused several injuries on the head and hands. Due to this, he sustained fracture to his left hand finger. Accused No.3 and 4 are granted bail. The present applicants, who are accused Nos. 1 and 2 are the actual assailants and therefore, they were refused bail by the Sessions Court.

4. It appears that married sister of the applicants having three children eloped with injured Javed and began to live with him, while her first marriage is still in existence. This was the main reason for the assault. Investigation is already completed, charge sheet is filed. There is no criminal antecedent of the present applicants. Therefore, in my opinion, bail may be granted to the present applicants.

5. The applicants be released on their executing P.R. of Rs.10,000/- each with surety in like amount with conditions that they shall not tamper with prosecution evidence and shall report at the Shivaji Nagar Police Station, Pune on every first Sunday of the

month till end of the trial.

(J.H. BHATIA, J.)